

Notice of Allowability

Application No.

10/542,572

Examiner

William H. Mayo III

Applicant(s)

PEREGO ET AL.

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 10 & September 19, 2006.
2. ☒ The allowed claim(s) is/are 47-94.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on November 10, 2006 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of Patent Number 6,824,870 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

2. Claims 47-94 are allowed.
3. The following is an examiner's statement of reasons for allowance: This invention deals with a cable comprising at least one electrical conductor and at least one extruded covering layer based on a thermoplastic polymer material in admixture with a dielectric liquid, wherein the thermoplastic polymer material is selected from: (a) at least one propylene homopolymer or at least one copolymer of propylene with at least one olefin comonomer selected from ethylene and an α -olefin other than propylene, said homopolymer or copolymer having a melting point greater than or equal to 1300C and a melting enthalpy of from 20 J/g to 100 J/g; or (b) a mechanical mixture comprising at least one propylene homopolymer or copolymer (a) and (c) at least one elastomeric copolymer of ethylene with at least one aliphatic α -olefin, and optionally a polyene, the concentration by weight of said dielectric liquid in the thermoplastic polymer material is lower than the saturation concentration of said dielectric liquid in the thermoplastic

Art Unit: 2831

polymer material, and said dielectric liquid has the following characteristics'. an amount of polar compound lower than or equal to 2.5% by weight with respect to the total weight of the dielectric liquid, a melting point or a pour point lower than 800C, and a ratio of number of aromatic carbon atoms with respect to the total number of carbon atoms lower than 0.6, when the dielectric liquid is aromatic (claim 47). This invention also deals with a polymer composition comprising a thermoplastic polymer material in admixture with a dielectric liquid, wherein said thermoplastic polymer material is selected from: (a) at least one propylene homopolymer or at least one copolymer of propylene with at least one olefin comonomer selected from ethylene and an α -olefin other than propylene, said homopolymer or copolymer having a melting point greater than or equal to 1300C and a melting enthalpy of from 20 J/g to 100 J/g; and (b) a mechanical mixture comprising at least one propylene homopolymer or copolymer (a) and (c) at least one elastomeric copolymer of ethylene with at least one aliphatic α -olefin, and optionally a propylene', the concentration by weight of said dielectric liquid in the thermoplastic polymer material is lower than the saturation concentration of said dielectric liquid in said thermoplastic polymer material', and said dielectric liquid has the following characteristics an amount of polar compound lower than or equal to 2.5% by weight with respect to the total weight of the dielectric liquid', a melting point or a pour point lower than 800C; and a ratio of number of aromatic carbon atoms with respect to the total number of carbon atoms lower than 0.6, when the dielectric liquid is aromatic (claim 88). The above stated claim limitations are not taught or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments filed September 9, 2006 have been fully considered and they are persuasive. Specifically, the applicant's argument that "WO '398 clearly requires its dielectric liquid to have a ratio of number of aryl carbon atoms to total number of carbon atoms greater than or equal to 0.6 preferably greater than or equal to 0.7. See WO '398 at page 4, lines 17-20, page 10, lines 6-8, and page 18, lines 12-14. The present claims recite "a ratio of number of aromatic carbon atoms with respect to the total number of carbon atoms lower than 0.6, when the dielectric liquid is aromatic." (emphasis added) nor does WO '398 teach or suggest a dielectric liquid having "an amount of polar compound lower than or equal to 2.5% by weight with respect to the total weight of the dielectric liquid (and) a melting point or a pour point lower than 800C," as recited in the present claims and thus, WO '398 does not teach all of the limitations recited in the present claims" is persuasive and therefore the claims have been allowed.

Art Unit: 2831

Communication

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III
Primary Examiner
Art Unit 2831

WHM III
November 27, 2006